

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF ERIE, PENNSYLVANIA,

Defendant.

Civil Action No. 04-4 Erie

JUDGE MCLAUGHLIN

SECOND SET OF RELIEF PHASE STIPULATIONS (58-74)

Plaintiff United States of America (“United States”) and defendant City of Erie (“City”) stipulate to the following facts for purposes of the Fairness Hearing on Individual Relief, currently scheduled for November 20, 2006, and any related proceedings.

For purposes of the following Stipulations, “the [year] written examination” means the written examination administered by the City as part of its entry-level police officer selection process in the year indicated.

The figures presented in Stipulations 59-68, below, include only applicants whose race/national origin was recorded in the City’s records. For purposes of these Stipulations, “minority” means race/national origin other than white or “Caucasian,” regardless of applicants’ sex. Stipulations 69 and 70, and 71-74, below, present figures for females and males, respectively, regardless of applicants’ race/national origin.

58. The City attempted to recruit minority applicants in 2002 more aggressively than it had during the period from 1996 to 2000.
59. Approximately 6% (7/117) of the applicants who took the 1996 written examination and whose race/national origin was recorded were minority applicants.

60. Approximately 8% (7/86) of the applicants who took the 1998 written examination were minority applicants.
61. Approximately 7% (12/167) of the applicants who took the 2000 written examination and whose race/national origin was recorded were minority applicants.
62. Approximately 18% (73/401) of the applicants who took the 2002 written examination and whose race/national origin was recorded were minority applicants.
63. Ninety-eight (98) of the one hundred ten (110) white applicants who took the 1996 written examination passed it; the pass rate for white applicants on the 1996 written examination was 89.1%.
64. Seventy-two (72) of the seventy-nine (79) white applicants who took the 1998 written examination passed it; the pass rate for white applicants on the 1998 written examination was 91.1%.
65. One hundred twenty-four (124) of the one hundred fifty-five (155) white applicants who took the 2000 written examination passed it; the pass rate for white applicants on the 2000 written examination was 80.0%.
66. Two hundred eighteen (218) of the three hundred twenty-eight (328) white applicants who took the 2002 written examination passed it; the pass rate for white applicants on the 2002 written examination was 66.5%.
67. Seventeen (17) of the twenty-six (26) minority applicants who took one of the written examinations administered by the City between 1996 and 2000 passed the examination; the pass rate for minority applicants on the 1996-2000 written examinations was 65.4%.
68. Thirty-four (34) of the seventy-three (73) minority applicants who took the 2002 written examination passed it; the pass rate for minority applicants on the 2002 written examination was 46.6%.
69. Eight (8) of the nine (9) female applicants who took the written examinations administered by the City between 1996 and 2000 passed the examination; the pass rate for female applicants on the 1996-2000 written examinations was 88.9%.
70. Forty-three (43) of the eighty-two (82) female applicants who took the 2002 written examination passed the examination; the pass rate for female applicants on the 2002 written examination was 52.4%.

71. Ninety-nine (97) of the one hundred seventeen (115) male applicants who took the 1996 written examination passed it; the pass rate for male applicants on the 1996 written examination was 84.3%.
72. Seventy (73) of the seventy-nine (79) male applicants who took the 1998 written examination passed it; the pass rate for male applicants on the 1998 written examination was 92.4%.
73. One hundred thirty-three (133) of the one hundred sixty-six (166) male applicants who took the 2000 written examination passed it; the pass rate for male applicants on the 2000 written examination was 80.1%.
74. Two hundred sixteen (216) of the three fifty-one (351) male applicants who took the 2002 written examination passed it; the pass rate for male applicants on the 2002 written examination was 61.5%.

On behalf of plaintiff United States of America:

SHARON A. SEELEY [IL Bar # 06197091]  
CLARE GELLER [NY bar (no number issued)]  
Trial Attorneys  
U.S. Department of Justice  
Civil Rights Division  
Employment Litigation Section  
950 Pennsylvania Avenue, NW  
Patrick Henry Building, Room 4024  
Washington, D.C. 20530  
Telephone: (202) 514-4761

/s/Jessica Lieber Smolar  
JESSICA LIEBER SMOLAR  
Assistant United States Attorney  
U.S. Post Office and Courthouse  
700 Grant Street, Suite 400  
Pittsburgh, PA 15219  
Telephone: (412) 894-7419  
PA ID No.: 65406

Date: November 14, 2006

On behalf of defendant City of Erie:

OFFICE OF THE ERIE CITY SOLICITOR  
626 State Street, Room 505  
Erie, PA 16501  
Telephone: (814) 870-1230  
  
/s/Gerald J. Villella  
GERALD J. VILLELLA, Esquire  
PA ID No.: 32814

Date: November 14, 2006